

**Rule 144. Cases Involving Constitutional Questions Where State is Not a Party**

When the constitutionality of an act of the legislature is questioned in any appellate proceeding to which the state or an officer, agency or employee of the state is not a party, the party asserting the unconstitutionality of the act shall file and serve on the attorney general notice of that assertion within time to afford an opportunity to intervene. Service of this notice on the attorney general may be effected by any means authorized by these rules.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014.)

***Advisory Committee Comment - 2014 Amendments***

*The amendment to Rule 144 is intended to clarify the existing rule and to adapt it to the e-service and e-filing environment. As amended, the rule makes it clear that notice of a challenge to constitutionality should be served on all parties and the attorney general and also filed with the clerk of the appellate courts. The rule assumes that the Office of the Minnesota Attorney General will designate a means of service upon the office and consent to service using the appellate courts' e-filing and e-service system, which would be the easiest and fastest way to provide the notice required by this rule.*